

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DERRICK DWAYNE WEIDA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. C13-1219-JCC-JPD

REPORT AND RECOMMENDATION

This matter comes before the Court *sua sponte* upon plaintiff's failure to file an opening brief or respond to two Orders to Show Cause why this case should not be dismissed for failure to prosecute. Pursuant to this Court's Scheduling Order, plaintiff's opening brief was due on or before October 21, 2013. Dkt. 15 at 1. However, the opening brief has not been filed to date.

On October 24, 2013, the Court ordered plaintiff to show cause why this case should not be dismissed for failure to prosecute. Dkt. 16. When plaintiff failed to respond to this Order, the Court "grant[ed] plaintiff one final extension of time to SHOW CAUSE why this

1 case should not be dismissed . . . Failure to respond to this order will result in dismissal of this
2 complaint.” Dkt. 17 at 1-2. Plaintiff was directed to file his response, or his opening brief, by
3 no later than Wednesday, November 27, 2013. *Id.* at 1. To date, however, plaintiff has not
4 filed his opening brief or responded to any of the Court’s Orders.

5 Accordingly, the Court recommends that this case be DISMISSED without prejudice
6 for failure to prosecute. A proposed order accompanies this report and recommendation.
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8 DATED this 6th day of December, 2013.

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10 JAMES P. DONOHUE
11 United States Magistrate Judge
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